Article

Geographic Names and the United Nations Convention on the Law of the Sea

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Abstract

The topic of geographic names is never mentioned in the United Nations Convention on the Law of the Sea (UNCLOS). However, any discussion of delimitation of ocean space and sovereignty carries with it implications of naming rights and practices. Beyond UNCLOS, the United Nations (UN) and the International Hydrographic Organization (IHO) and the Intergovernmental Oceanographic Commission (IOC) are all actively involved in toponymy. This paper will seek to discuss a variety of ways in which geographic names issues arise as a result of UNCLOS and to highlight the roles of the IHO, IOC and UN in geographic names standardisation.

Résumé

Le sujet des noms géographiques n'est jamais mentionné dans la Convention des Nations Unies sur le droit de la mer (UNCLOS). Toutefois, toute discussion se rapportant à la délimitation de l'espace et de la souveraineté des océans comporte des implications associées aux droits et aux pratiques en matière de dénomination. Au-delà de la Convention UNCLOS, les Nations Unies (NU), l'Organisation hydrographique internationale (OHI) et la Commission océanographique intergouvernementale (COI) participent toutes activement à des travaux de toponymie. Cet article tentera de traiter de différentes manières dont les questions relatives aux noms géographiques se posent, comme conséquence de la Convention UNCLOS, et s'efforcera de mettre en lumière les rôles de l'OHI, de la COI et des NU dans le domaine de la standardisation des noms géographiques.

Resumen

El tópico de los nombres geográficos no se menciona nunca en la Convención de las Naciones Unidas sobre la Ley del Mar (CONVEMAR). Sin embargo, toda discusión sobre la delimitación del espacio oceánico y de la soberanía conlleva implicaciones de derechos y prácticas en cuanto a la denominación. Además de CONVEMAR, las Naciones Unidas (NN.UU.), la Organización Hidrográfica Internacional (OHI) y la Comisión Oceanográfica Intergubernamental (COI), están todas activamente implicadas en la toponimia. Este artículo intentará discutir sobre una variedad de maneras en las que surgen los temas relacionados con los nombres geográficos, como resultado de CONVEMAR,y destacar los roles de la OHI, la COI y las NN.UU. en la normalización de nombres geográficos.

Introduction

The topic of geographic names is never mentioned in the United Nations Convention on the Law of the Sea (UNCLOS). Despite its silence, UNCLOS has a bearing upon both the activities of those who work in the field of geographic name standardisation and the users of the names. There is indeed a history of integral involvement of both the United Nations (UN) and the International Hydrographic Organization (IHO), two pivotal bodies in relation to UNCLOS, in geographic name standardisation. The objective of this paper is not to delve into the basic purpose or history of geographic name standardisation, but rather to make some observations about the relationship with UNCLOS and to encourage discussion of the subject. For the purpose of this paper, attention will be given primarily upon the names of undersea features. The issues related to the names of oceans and seas will be briefly mentioned. This paper will explore how the UNCLOS contains concepts that could apply to geographic names, how UNCLOS impacts geographic name standardisation activities, what the UN and IHO have done in this arena, and the vital role of the marine scientific research community. But first, this paper will discuss the concepts of the naming geographic features and geographic names standardisation.

Naming Rights

Throughout history, as man explored new territory, an idea was generally held that the 'newly found' land became part of the sovereignty of the nation of the claimant (or perhaps the claimant's benefactor). The practice of planting a national flag has come to represent a great achievement for the adventurers of today, though not necessarily carrying the connotation of a claim to sovereignty.

Associated with a claim to sovereignty came the useful practice of naming the newly discovered features. Throughout time, as cities, regions and countries change hands, a subsequent change in the toponymic landscape is almost a given fact. There would be little argument about a national names authority having the right to approve the names within its own territory. What this paper deals with, however, is features that are beyond a single sovereignty and the area of the high seas where there is no sovereignty. Name standardisation of undersea features and the high seas is well-established. In later sections, some of these precedent-setting activities will be mentioned. In the United States Department of State's 'Sovereignty of the Sea' (1969) the following statement is found: "The major problems of offshore sovereignty reduce to a single, though complex question: 'What state holds jurisdiction over what part of the seas and to what degree?'" A purpose of UNCLOS is to better define the coastal states' rights in the various jurisdictional offshore zones. What is not specifically mentioned in UNCLOS, however, is what the naming rights are of the states in, for example, the Exclusive Economic Zone (EEZ)?

Geographic Name Standardisation

There is perhaps a need to clarify the difference between the actual naming of features and name standardisation. The two activities are certainly not the same. The naming of features is the role of individuals or entities perhaps involved in the discovery or research of those features. The standardisation bodies develop the guidelines and policies that should be used by those proposing names. Many nations have established boards or agencies expressly to become the authority for geographic names standardisation. For the United States, this is the United States Board on Geographic Names (BGN), which was created in 1890. In 1947 Congress passed Public Law 242-80 establishing BGN in its present form (Randall 1990). In 1963 the BGN Advisory Committee on Undersea Features (ACUF) was established to better deal with issues arising from the increased interest in ocean exploration and the naming of seafloor features. ACUF was not established with the responsibility to name newly discovered features, but rather to establish the undersea feature name standardisation policies for the United States Government. The established guidelines could then be applied to insuring common terminology for known features and provide guidance to the scientists discovering new features.

The United Nations Group of Experts on Geographical Names (UNGEGN) was established by ECOSOC Resolution 715A (XXVII) in 1959 for the purpose of encouraging nations to become involved in geographic names standardisation. UNGEGN has since

1960 met biennially in order for those involved in the same field of work to cooperate and share experiences. Additionally, there have been United Nations Conferences on the Standardisation of Geographical Names (UNCSGN) held every five years, beginning in 1967. Since then, UNCSGN has issued a number of resolutions which relate directly to the naming of undersea and maritime features beyond a single sovereignty. The UNGEGN is not a geographic names decision making body, nor an arbiter of disputes.

In Resolution II/26 (1972) the UNCSGN recommended that UNGEGN work in cooperation with various organisations, specifically mentioning the IHO, to draw up a "system for naming undersea features beyond a single sovereignty...." The reference to the International Hydrographic Organization was made because it and its predecessors have also been involved with geographic name standardisation (Carpine-Lancre 2003). In 1974 the Sub-committee on Geographical Names and Nomenclature of Ocean Bottom Features (SCGN) was formed to oversee seafloor terminology for General Bathymetric Chart of the Ocean (GEBCO) charts. The work involved in establishing SCGN and extensive work at the Third UNCSGN (1977) laid much of the groundwork for the established set of terminology, guidelines and policies used today. Today the committee still fills this role but is known as the Sub-committee on Undersea Feature Names (SCUFN).

Applying UNCLOS Concepts to Geographic Names

Though UNCLOS does not contain the phrase 'geographic names' there are sections of the document that potentially emphasise concepts and themes applicable to geographic names. Two articles, among other potential candidates, relate to marine scientific research and pollution.

Marine Scientific Research

Part XIII, Article 246 of UNCLOS states the following: "Coastal States, in the exercise of their jurisdiction, have the right to regulate, authorise and conduct marine scientific research in their Exclusive Economic Zone (EEZ) and on their continental shelf in accordance with the relevant provisions of this Convention". This article makes some points that may be applied to the naming of features such as that the state holds certain rights in its exclusive economic zone. However, there is no exclusion from other nations conducting research in another nation's EEZ. In fact, a similar practice is generally followed in the naming of undersea features. A coastal state is generally deferred to for the 'first dibs' in naming of undersea features in their EEZ. This is almost by default where the coastal state is the primary party involved in the marine scientific research in the area. Geographic name standardisation policy usually recognises exceptions based on long-standing use. The current model, however, is to encourage the coastal state to be the lead for the naming of features in their own EEZ.

Pollution

Part XII, Article 200 relates to the protection and preservation of the marine environment and states the following: "States shall cooperate, directly or through competent international organisations, for the purpose of promoting studies, undertaking programmes of scientific research and encouraging the exchange of information and data acquired about pollution of the marine environment." This sharing and cooperation would indeed be beneficial in relation to of the naming of undersea features subject to marine scientific research. In fact, UNCSGN Resolution I/8 (1967) encourages such cooperation "to promote the safety of navigation and to facilitate the exchange of scientific oceanographic data." International cooperation is occurring through the United Nations and the IHO. This reference is being made to underline the importance of standardised geographic names in the exchange of marine scientific data.

The Impact of UNCLOS

This section will discuss two ways in which UNCLOS has affected geographic name standardisation activities. Firstly, there has been an increased interest by several nations in the establishment of undersea feature name standardisation programmes. Secondly, and, more mundanely, there are effects upon geographic names database maintenance. These identified impacts affect those involved in both the naming of features and the standardisation of those names. Optimally, the increased interest in the establishment of name standardisation authorities will be matched by greater levels of cooperation and discussion with the marine scientific research community.

Increased interest in undersea features name standardisation

There are a handful of countries that have existing national programmes of geographic names standardisation which select undersea features/maritime features for special attention. A list of these nations includes, but is not limited to, Australia, Canada, Japan and the United States. More recently, and often as a direct result of UNCLOS-related activities (e.g., preparation for Article 76 submissions), additional nations are expressing interest in establishing undersea feature names standardisation programmes. One example is New Zealand; from the "Review of the New Zealand Geographic Board Act 1946" comes this quote: "New Zealand's increasing 'offshore' involvement has resulted in a need to extend the Board's jurisdiction to include undersea features within the continental shelf (2003)." New Zealand has produced a gazetteer of undersea features, but the activity was not under the purview of the nation's geographic names authority. At recent UNGEGN and SCUFN Meetings the author has learned that Indonesia, Iran, Mexico and the Republic of Korea are also considering or implementing the establishment of undersea feature name standardisation authorities. The existing framework of policy guidelines that are in use by the IHO/IOC's GEBCO SCUFN and national authorities are available to assist those who are looking towards greater involvement.

Database Maintenance

The following case study is most likely an isolated example. The BGN is the only national authority that has undertaken the standardisation and maintenance of a database of worldwide geographic names. The ACUF was established to develop the BGN standardisation policies for those undersea names lying outside the territorial seas of the United States. The BGN Domestic Names Committee is responsible for the standardisation of geographic feature names in the United States, including the territorial sea. The first ACUF policy, approved in 1953, details the guidelines for the treatment of a name, such as Montes de Pernambuco. The specific element of the name, Pernambuco, is retained according to its spelling and use by the relevant coastal state, or perhaps by historical precedent. However, since the BGN serves the U.S. Government, the generic term Montes would be translated into English. The resulting name in the BGN database is Pernambuco Seamounts. What is not explicitly stated, but was the reality, was that undersea features, commonly reefs or banks, which were located within what would become the territorial seas of coastal state under UNCLOS, were handled according to this same principle.

The ACUF policies approved in 1978 onward have recognised the UNCLOS-endorsed 12 nautical mile territorial sea limit as the boundary of its purview, despite the fact that the U.S. has not signed UNCLOS. All features located within the territorial seas of foreign nations are standardised according to the policies of the BGN Foreign Names Committee (FNC). The FNC takes the position that geographic name spellings used officially by the coastal state are the most appropriate names for BGN approval. Some English conventional names are necessary for major features, country names, country capitals, etc. The general acceptance of the provisions of UNCLOS has in this way effected a change in the policy development of ACUF. As a result of the policy change, certain geographic features are now handled differently (i.e. generics are not translated). Not only might a feature's name change, but also a removal from the database's undersea feature file is necessitated. The feature must be reassigned to the appropriate country file. These potential changes in the applicable policy necessitate a thorough database review.

The Power of Geographic Names

Thus far the discussion has centered upon the names of undersea features. Although there are differences of opinion concerning the names of some undersea feature names, none generates the attention and fervor, as do a few high seas water bodies. Two such cases come quickly to mind, the Sea of Japan and the Persian Gulf, to use the BGN-approved names of those features. Informative and detailed discussions of these name disputes may be found elsewhere. However, the point must be made that each national naming authority is given the responsibility to standardise geographic names to serve its customers, which should be the nation's government and citizens. What the BGN approves as the spelling for a geographic feature name only has bearing on US Government products. The BGN is keeping up-to-date

with worldwide toponymic activities in order to better serve its customers.

One recent indicator of the power of geographic names was the withdrawal from Member State vote by Member States of the Final Draft 4th Edition of IHO Special Publication S-23, Names and Limits of Oceans and Seas. Due to the contentious nature of a few geographic names and their political implications, the most recently approved version of this publication remains the third edition of 1953. Related to these disagreements, another point must be emphasised: the role of bodies such as UNGEGN and the IHO. UNGEGN has neither been established to make or enforce name decisions, nor to demand compliance. The role of UNGEGN is to encourage the establishment and cooperation of national names authorities. The Convention on the IHO establishes the Organization to have a consultative and purely technical nature (International Hydrographic Organization 1998).

Marine Scientific Research

At certain levels, it appears that over the past several decades, the discussion and interest in maritime and undersea feature naming has seemed to wane a bit. Speaking from experience with the BGN, the interaction and involvement with the marine scientific research community has been nearly dormant. The UNGEGN Maritime and Undersea Feature Working Group, active for about a decade, was disbanded in 1984. The last United Nations resolution regarding maritime or undersea feature names was issued in 1982.

However, there are signs that interest is high and dialogue is active. As has been discussed, the last few years have indeed seen increased attention by individual nations in establishing programmes of undersea feature name standardisation. There is also the international attention to a few volatile extant name disputes. The IHO, and SCUFN in particular, has positioned itself to handle the geographic name standardisation needs of the marine scientific research community. SCUFN has been so successful in establishing the framework of policy, terminology, guidelines and a gazetteer, that the system seems to be operating smoothly. SCUFN began its existence based on an earlier international toponymic foundation with additional involvement from the US BGN and the Geographical Names Board of Canada, to name two. Today, the cooperation between SCUFN and the BGN is very close. The committees share new name proposals with each other. Ways to improve the coordination and reduce the number of *de facto* policy and name decision differences between the two bodies are being sought. Any other national name standardisation committee seeking to become more closely involved with the SCUFN would most assuredly be welcome.

It is true that both SCUFN and ACUF would like to see more business come their way from the marine scientific research community. Speaking for the BGN, the desire is to make the process less burdensome for the scientist. Those involved "on the front lines" in marine scientific research have a great opportunity to expand and enhance the knowledge base about undersea features. With discovery comes the need to identify features by name. Fisher (1987) states that "the unregulated or offhand naming of undersea features in manuscripts or charts can lead to unnecessary confusion, such as usage of the same name for different features, multiple naming of the same feature by different institutes, countries or languages, or an unsuitable combination of words." The research community can benefit the future of the science by utilizing SCUFN or an appropriate national authority. The government committees and agencies preparing the policies and maintaining the databases need to be proactive in seeking how to better serve the research community.

Conclusion

The marine scientific research community must perform its mission with an appreciation and understanding of the implications of UNCLOS. It is hoped that this paper has been able to illustrate the importance of the role of geographic name standardisation. Though UNCLOS never mentions the subject, organisations vital to UNCLOS, the UN itself and the IHO, are both involved in the promotion of national toponymic standardisation and international dialogue. UNCLOS is making an impact on geographic names issues. Just as more nations seek to claim their rights according to UNCLOS, it is hoped that the interest in marine scientific research and the standardisation of names of maritime and undersea features will also increase.

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Biography

Trent Palmer serves as the Deputy Geographer of the National Geospatial-Intelligence Agency (NGA) and is the US Board on Geographic Names' Executive Secretary for Foreign Names. He holds a Bachelor of Arts degree in Geography from Middle Tennessee State University, a Master of Arts in Geography from the University of Georgia and a Master of Science in Geomatics from Purdue University.

Mr. Palmer has been employed by NGA and its predecessor agencies since 1991. All but three of the years in the agency have been spent working with the BGN and its support staff as a toponymist for northern and western Europe and as the Secretary of the BGN's Advisory Committee on Undersea Features. For the past three years he held the position of Marine Geographer, responsible for the issues of maritime nomenclature and boundaries.